

Registration No.:
MACMA/154/2022
Filing No.:
MACMA/154/2022
Filed On: 15/10/2022
Registered On : 15/10/2022
Decided On : 06/12/2022

**IN THE MOTOR ACCIDENT CLAIM TRIBUNAL (AUX) AND
ADDITIONAL DISTRICT JUDGE, AT RAJPIPLA,
DISTRICT NARMADA**

**MAC MISC. APPLICATION NO.154 of 2022
IN
MACP NO. 355/1991**

Claimants :

1. Premilaben wd/o Rameshbhai Mohanbhai
Aged about 62 years, Occ. : household,
2. Hardishbhai Rameshbhai Patel
Age about 41 years, Occ. service,
3. Akshaykumar Rameshbhai Patel
Aged about 39 years, Occu. : service,
All are R/o : A-71, Laxminarayan Nagar,
Near Narayan School,
Shakti Nagar,
Bharuch.

VERSUS

Opponents :

1. Thakorsing Ramsablay Shikh
Age : adult, Occu. : service,
Resided at : C/o : Jayprakash Associates,
At & Post – Vadgam, Tal. Nandod,
Dist. Narmada.
2. Jayprakash Industries Ltd.
R/o : At & Post – Kalgi Nagar, Jahalpur (M.P)

3. Oriental Insurance Com. Ltd.,
R/o : Pruthavi Trade Centre,
Station road, Bharuch.

Appearance:

Learned advocates for the parties :-
For the applicants : Mr. C.R. Intwala
For the opponent No. 3 : Mr. V.J. Patel

Order below Exh. 1

1. Heard Ld. Advocate Mr. C.R. Intwala for the claimants and read this application. Perused no objection pursis submitted by Ld. Advocate for the opponent no. 3 - insurance company as well as award by virtue of order passed in MACP No.355/1991 at Mark-3/1, order of Hon'ble High Court in R/First Appeal No. 387/2010 dated 13/04/2022.

2. The Claimants have sought compensation from the opponents on account of accidental death of victim in a road accident. The Tribunal has awarded Rs.7,53,600/- which was enhanced by Hon'ble High Court by Rs. 6,60,200/- thus total amount of Rs. 14,14,000/- as compensation together with proportionate costs and interest @ 9% p.a. from the date of this claim petition till the amount is deposited in the office of this Tribunal was granted, which was fixed deposited and then this Tribunal has vide "C" No. 114 on dated 30/11/2022 Rs. 21,55,047/-. In this MACP, it has come on record that applicant no. 5 kantiben Mohanbhai Patel died on 25/02/2010 therefore applicants have requested to

disburse her share amongst rest of the applicants equally, thus this Tribunal granted the same request of the applicants. Thus, as per award, the amount of compensation shall be disbursed to the applicant nos. 1 to 3 in the proportion of **54:23:23** respectively. Hence, in the interest of justice, following order is passed.

Rs. 21,55,047/ – Rs.4,750/- (Court fee) <u>Rs.21,50,297/-</u>	The amount deposited by opponent no. 3 – Insurance Company granted by the Tribunal to the claimant nos. 1 to 3 and the said amount shall be disbursed to the claimant nos. 1 to 3 in following manner:	
Name of Claimants	Total amount (Rs.)	100% amount be given to the claimants by account payee cheque, after due verification
(1) Premilaben Rameshbhai Patel	11,61,161/-	Rs. 11,61,161/-
(2) Hardishkumar Rameshbhai Patel	4,94,568/-	Rs. 4,94,568/-
(3) Akshaykumar Rameshbhai Patel	4,94,568/-	Rs. 4,94,568/-
Total	21,50,297/-	Rs.21,50,297/-

Date: 06/12/2022
Rajpipla, District Narmada.

(Nasir Saidullah Siddique)
MAC Tribunal (Auxi)
Narmada at Rajpipla
Code No.GJ00650